

JUL 29 1993

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July 29, 1993

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: ET Docket No. 93-198, Notice of Inquiry Regarding
Preparation for International Telecommunication
Union World Radiocommunication Conferences

Dear Mr. Caton:

Enclosed for filing on behalf of the Association of American
Railroads are an original and nine copies of Reply Comments in
the above-referenced proceeding.

Any questions regarding this matter should be directed to
the undersigned.

Respectfully submitted,

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

JUL 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Preparation for International
 Telecommunication Union World
 Radiocommunication Conferences

ET Docket No. 93-198

To: The Commission

**REPLY COMMENTS OF
THE ASSOCIATION OF AMERICAN RAILROADS**

The Association of American Railroads ("AAR") by its undersigned counsel, hereby files its Reply Comments in the above captioned proceeding. These Reply Comments are submitted pursuant to the Commission's Notice of Inquiry ("Notice"), FCC 93-328 (adopted June 24, 1993 and released June 28, 1993) regarding the preparations for the 1993 International Telecommunication Union (ITU) World Radiocommunication Conference (WRC-93). AAR wishes to reply in particular to certain points raised in the Comments filed in this proceeding by Motorola, Inc., COMSAT Mobile Communications, American Mobile Radio Corporation and Loral Qualcomm Satellite Services, Inc. regarding mobile satellite communications systems, and to Comments by other parties regarding the forthcoming recommendations of the ITU's Voluntary Group of Experts for simplification of the international Radio Regulations.

1. AAR and its member railroads are long-time users of sophisticated communications systems that are heavily dependent

upon access to the radio frequency spectrum. As such, AAR has a vital interest in this proceeding. A voluntary, non-profit organization composed of member railroad companies operating in the United States, Canada and Mexico, AAR is the joint representative and agent of the railroads in connection with federal regulatory matters of common concern to the railroad industry, including matters pertaining to regulation of communications. In addition, AAR serves as the centralized frequency coordinator with respect to operation of land mobile and other radio-based services.

2. The railroad industry in the United States is heavily dependent on radio for carrying out day-to-day operations and for ensuring the safety and protection of life and property. The nation's railroads operate mobile radio facilities in the Private Land Mobile Radio Services (PLMRS) on over 90 channels in the 160 MHz band and on 10 channel pairs in the 450-470 MHz band.^{1/} Collectively, railroads utilize over 16,000 base stations, 45,000 mobile radios, 125,000 portable radios, 5,500 "talking" defect detectors, and 56,000 end-of-train, head-of-train devices and locomotive mobiles.

^{1/} The frequencies allotted to the Railroad Radio Service are listed in Section 90.91(b) of the Commission's rules. 47 C.F.R. § 90.91(b). About one-third of the frequencies in the 160 MHz band are allocated internationally for the maritime service; railroad use of those frequencies in the United States is permitted pursuant to Footnote 613 to the Table of International Frequency Allocations. 47 C.F.R. § 2.106. The railroads have exclusive access to three channel pairs and share seven channel pairs in the 450 to 470 MHz band, which they use primarily for telemetry functions such as slave locomotive control and for reporting vital information about operating conditions at the ends of trains.

3. The nation's railroads are also extensive users of fixed microwave communications systems licensed under Part 94 of the Commission's rules. The railroads use private fixed microwave facilities, many of which are located in the 2 GHz band, to monitor and control more than 1.2 million freight cars on more than 215,000 miles of track. Fixed microwave links automatically transmit signals and remotely control switching of tracks necessary for safe routing of trains through depots and freight yards. These systems also relay critical telemetry data from trackside defect detectors located throughout the rail network.

Mobile Satellite Services

4. The bands 1492-1525, 1525-1559, 1610-1660.5, 1675-1710, 1930-2010, 2120-2200, 2483.5-2520 and 2670-2690 MHz have been allocated internationally for mobile-satellite services (MSS). Two of those bands, 1930-2010 and 2120-2200 MHz, are of interest to AAR because they overlap the portion of the 2 GHz band (i.e., 1850-2200 MHz) in which AAR's member railroads operate fixed microwave communications links.

5. The ITU Council has recommended that WRC-93 include on its agenda for WRC-95 guidance on facilitating the use of the frequency bands allocated worldwide to the mobile-satellite service, As the Commission recognized in the Notice. U.S.

orbit (LEO) satellites.^{2/} In this regard, AAR takes particular note of the Comments of Motorola, Inc., COMSAT Mobile Communications, American Mobile Radio Corporation and Loral Qualcomm Satellite Services, Inc., in the instant proceeding in which those parties have urged the Commission to press for broader U.S. utilization of the MSS bands at WRC-93 and WRC-95.^{3/}

6. AAR recommends that any position adopted by the United States regarding deployment of MSS systems be consistent with the transition procedures adopted by the Commission in ET Docket No. 92-9 pertaining to the interests of incumbent users of fixed microwave facilities in the 2 GHz band. In that proceeding, the Commission has assured that incumbents will not be displaced by licensees of Personal Communications Systems (PCS) or other new technologies unless (a) there are adequate replacement

2/ Notice at paragraph 7.

3/ Comments of Motorola at 8-9; Comments of Comsat Mobile Systems at 3-8; Comments of American Mobile Radio Corporation at 3-8; Comments of Loral Qualcomm Satellite Series, Inc. at 7-9. AAR also notes the ex parte presentation of Motorola filed on May 12, 1993 in the Commission's General Docket No. 90-314 and ET Docket No. 92-9, in which Motorola advocated the use of the 2 GHz "emerging technology" bands by LEO-type mobile satellite systems. In that presentation, Motorola made two principal points: first, that it would be difficult or impossible for MSS systems to share specific portions of the MSS spectrum allocation in the 2 GHz band with existing fixed terrestrial microwave users; and (2) that it does not appear to be economically feasible for MSS providers to pay for the relocation costs of the fixed microwave incumbents. The suggestion in Motorola's ex parte presentation that MSS users cannot or should not pay the relocation costs of fixed microwave incumbent users is directly contrary to the framework adopted by the Commission in General Docket No. 90-314 and ET Docket No. 92-9.

frequencies available to the fixed microwave incumbent in another band, and (b) the PCS licensee has paid all of the relocation expenses of the incumbent.^{4/} In other words, the Commission should ensure that any deployment of MSS in the United States in the 2 GHz band be subject to the same transition requirements that are applicable to the reallocation of the band for use by new terrestrial mobile communications service providers.

Recommendations of Voluntary Group of Experts (VGE)

7. As described by the Commission in its Notice, the ITU Council, in 1990, formed the VGE to develop recommendations for simplifying the International Radio Regulations.^{5/} The tasks of the VGE include (1) simplifying the international Table of Frequency Allocations and international Radio Regulations related to it; (2) simplifying regulatory procedures contained in Articles 11-17 of the international Radio Regulations; and (3) simplifying the remainder of the international Radio Regulations not covered specifically under Tasks 1 and 2.^{6/}

8. AAR supports the objective of simplification of the ITU Radio Regulations, but is concerned that the process of simplification might be used by some as a vehicle for introducing substantive changes. AAR has participated through its counsel in numerous meetings of the VGE Task Force hosted from time to time

4/ First Report and Order in ET Docket No. 92-9, released October 16, 1992.

5/ See, ITU Resolution No. 8, ITU Plenipotentiary Conference, Nice, 1989.

6/ Notice at paragraph 5.

over the course of the past two years by the Department of State, and has urged that the VGE's review of the international Radio Regulations be restricted to simplifying the existing regulatory and procedural framework, and not be broadened to encompass changes in the substantive rights and responsibilities of users of the radio frequency spectrum. AAR urges the Commission in the context of this Notice and in preparation for WRC-93 to continue to ensure that the work, recommendations and proposals of the VGE are limited to the goal of simplification.

9. AAR supports the position set forth by COMSAT World Systems in its Comments in this proceeding that the United States Government should advocate within the VGE and, if appropriate, raise at WRC-93 the following four recommendations pertaining to the manner in which the forthcoming VGE proposals should be considered:

Associate each VGE recommendation to corresponding

Comments of COMSAT World Systems at 4-5. AAR agrees with the assessment of COMSAT World Systems that the foregoing recommendations, if adopted, would assist in the process of reviewing, evaluating and implementing the recommendations of the VGE.

10. In conclusion, AAR urges the Commission to support the adoption of a U.S. position for WRC-93 that will (1) ensure that any use in the United States of the international MSS allocations in the 2 GHz band be fully consistent with the spectrum reallocation framework adopted in ET Docket No. 92-9 to protect the rights and interests of incumbent fixed microwave users operating in that band; and (2) incorporate the four recommendations suggested by COMSAT World Systems regarding the process for international review of the recommendations of the VGE.

Respectfully submitted,

ASSOCIATION OF AMERICAN RAILROADS

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CERTIFICATE OF SERVICE

I, Norma E. Rusnak, hereby certify that on this 29th day of June, 1993, a copy of the foregoing "Reply Comments of

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